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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,640	03/22/2004	Ronald W. Samson	5506	9527

7590 10/11/2007
Charles I. Brodsky, Esq.
2 Bucks Lane
Marlboro, NJ 07746

EXAMINER

CHEEMA, UMAR

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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10/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,640

Applicant(s)

SAMSON, RONALD W.

Examiner

Umar Cheema

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandini et al (Bandini) (US Patent # 7,117,358) in view of Foladare et al (Foladare) (US Patent # 5,905,777).

Regarding claim 1, Bandini discloses a SPAM control method for implementation by a SPAM elimination administrator inserted into the signal path between an E-mail sender and its intended message recipient (see abstract) comprising the steps of:

- a) Setting a first numeric filtering threshold below which substantially all received E-mail messages are immediately sent to the intended message recipient and above which substantially all received E-mail messages are temporarily held in quarantine (see col.

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3, lines 51-65); b) Setting a second numeric filtering threshold below which temporarily quarantined E-mail messages are flagged for intended message recipient notification (see col. 4, lines 11-35); c) Setting a time schedule for notifying the intended message recipient of temporarily quarantined E-mail messages (see col. 4, lines 18-28); d) Creating a summary of said temporarily quarantined E-mail messages by at least one of sender identification and subject matter content informations (see col. 4, lines 35-47); e) Sending an E-mail message to the intended message recipient of said summary in accordance with said time schedule (see col. 3, lines 62-65); and f) Enabling downloading of all quarantined E-mail messages to said intended message recipient according to the recipient's selection of desired sender identification and/or subject matter informations within said message summary (see col. 4, lines 35-47).

Bandini discloses substantially the invention as claimed for the reason above however does not disclose wherein said creating a summary of said temporarily quarantined E-mail messages and wherein said downloading of all quarantined E-mail messages to said intended message recipient. However in the same field of invention Foladare discloses creating a summary of said temporarily quarantined E-mail messages (see abstract, col. 1, lines 45-50) and wherein said downloading of all quarantined E-mail messages to said intended message recipient (see fig. 1E, col. 6, lines 25-34). Motivation for doing so would have been to help controlling reception of messages from unknown entities in an e-mail network (see Bandini: col. 9, lines 21-23).

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Regarding claim 2, Bandini discloses the method of Claim 1, also including the step of setting a third numeric filtering threshold above which substantially all received E-mail messages are blocked from reaching said intended message recipient (see col. 4, lines 20-26).

Regarding claim 3, Bandini discloses the method of Claim 1, also including the step of deleting from quarantine all E-mail messages not selected for downloading by said intended message recipient according to said identified sender and/or subject matter content information within a predetermined interval of time (see col. 4, lines 20-25).

Regarding claim 4, Bandini discloses the method of Claim 1, including the step of bypassing steps a) through f) and immediately sending to said intended message recipient substantially all received E-mail messages received from a pre-identified sender selected by said recipient (see fig. 4, col.7, lines 10-16).

Regarding claim 5, Bandini discloses the method of Claim 1, including the step of bypassing steps a) through f) and immediately sending to said intended message recipient substantially all received E-mail messages containing pre-identified subject matter information selected by said recipient (see col. 4, lines 35-47).

Regarding claim 6, Bandini discloses the method of Claim 1, including the step of bypassing steps a) through f) and blocking substantially all received E-mail messages

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from reaching said intended message recipient from pre-identified senders (see col. 4, lines 20-26).

Regarding claim 7, Bandini discloses the method of Claim 1, including the step of bypassing steps a) through f) and blocking substantially all received E-mail messages from reaching said intended message recipient containing pre-identified subject matter (see col. 4, lines 20-26).

Regarding claim 8, Bandini discloses the method of Claim 1, including the step of bypassing steps a) through f) and blocking substantially all received E-mail messages from reaching said intended message recipient containing pre-identified viruses (see col. 4, lines 20-26).

Regarding claim 9, Bandini discloses the method of Claim 1, including generating a read-receipt in response to said intended message recipient's selection of desired sender identification and/or subject matter content information according to step f) (see col. 3, lines 62-65).

Regarding claim 10, Bandini discloses the method of Claim 9, including the step of sending said generated read-receipt response to bypass said steps a) through f), and to immediately send said intended message recipient substantially all E-mail messages

received thereafter from said identified selected sender (see col. 4, lines 35-47).

Regarding claim 11, Bandini discloses the method of Claim 9, including the step of sending said generated read-receipt response to bypass said steps a) through f), and to immediately send said intended message recipient substantially all E-mail message received thereafter containing said selected subject matter information (see col. 4, lines 35-47).

Regarding claim 12, Bandini discloses the method of Claim 1, including the steps of setting a third numeric filtering threshold above which substantially all received E-mail messages are blocked from reaching said intended message recipient (see col. 4, lines 20-26), and deleting from quarantine all E-mail messages not selected for downloading by said intended message recipient according to said identified sender and/or subject matter content information within a predetermined interval of time (see col. 4, lines 20-25).

Regarding claims 13-14, the limitations of these claims has already been addressed (see claims 2-12 above).

Regarding claim 15, Bandini discloses the method of Claim 1, including generating a read-receipt in response to said intended message recipient's selection of desired sender identification and/or contained subject matter information according to step f)

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(see col. 4, lines 35-47).

Regarding claim 16, Bandini discloses the method of Claim 15, including the step of sending said generated read-receipt response to bypass said steps a) through f), and to immediately send said intended message recipient substantially all E-mail messages received thereafter from said identified selected sender and/or containing said subject matter information (see col. 4, lines 35-47).

Regarding claim 17, the limitations of this claim has already been addressed (see claim 15 above).

Regarding claim 18, Bandini discloses the method of Claim 17, including the step of sending said generated read-receipt response to bypass said steps a) through f), and to immediately send said intended message recipient substantially all E-mail messages received thereafter from said identified selected sender and/or containing said subject matter information (see col. 4, lines 35-47).

Conclusion

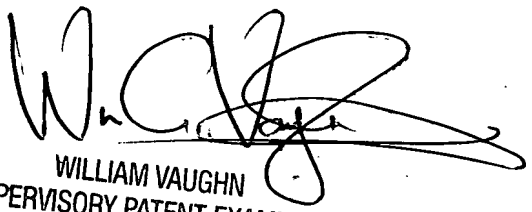
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Cheema whose telephone number is 571-270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

uc


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